

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**RECOVERY LIMITED PARTNERSHIP,
Plaintiff,**

v.

Civil Action No.: 2:87-cv-00363

**UNIDENTIFIED, WRECKED AND ABANDONED
SAILING VESSEL, etc.,
Defendant.**

MEMORANDUM IN SUPPORT OF MOTION TO FILE UNDER SEAL

Recovery Limited Partnership (the “Plaintiff” or “RLP”), by counsel, submits this memorandum in support of its motion to seal its Memorandum Responding to Letter of the Court Dated February 16, 2024, attached hereto. The Court has directed RLP to file additional information concerning its proposed 2024 salvage operations under seal for review. *See* Letter, D.E. 311.

There are three requirements for sealing court filings: (1) public notice with opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and reject alternatives to sealing. *Flexible Benefits Council v. Feldman*, No. 1:08-CV-371, 2008 U.S. Dist. LEXIS 93039 (E.D. Va. Nov. 13, 2008) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Even when no party challenges a motion to seal, the Court must still ensure the motion is supported by good cause. *Auburn Univ. v. IBM Corp.*, No. 3:0-cv-694-MEF, unpublished, 2010 WL 3927737 (M.D. Ala. Oct. 4, 2010).

The information contained in RLP’s Memorandum Responding to Letter of the Court Dated February 16, 2024, contains sensitive commercial information that is confidential in nature for RLP and Eclipse Group, Inc. Specifically, it discloses proprietary information about the wreck site, and the specific plans for further exploring it, including required technical talent and

equipment. The further details regarding the salvage plan are designated confidential to protect RLP's and Eclipse's trade secrets and competitive advantages. Additionally, the conditions at the wreck site and plans for future salvage are highly proprietary information known only to RLP and its salvors, who are subject to non-disclosure agreements. While any intrusion by third parties at the wreck site would violate the injunction granted by this Court, sealing this information is essential to keeping it out of the hands of third parties and minimizing the risk of a violation.

RLP is contemporaneously filing with this motion a notice of filing under seal which is the required public notice providing opportunity for objection. RLP submits that, given the commercial interests at stake, there is no "less drastic alternative" to the sealed filing that the Court has ordered.

Accordingly, RLP moves that this Court enter the proposed order attached to the motion sealing its Memorandum Responding to Letter of the Court Dated February 16, 2024, and for the pleading to remain sealed in accordance with the terms of the proposed order.

This 1st day of March, 2024.

/s/ James L. Chapman, IV

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CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2024, a true and accurate copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing to all registered filers.

/s/ James L. Chapman, IV

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